

Subpart 5301.6 - CAREER DEVELOPMENT, CONTRACTING AUTHORITY, AND RESPONSIBILITIES

Parent topic: [Part 5301 - Federal Acquisition Regulations System](#)

5301.601 General

(a)(i) Heads of Contracting Activities (HCAs) Responsibilities.

(A) The DAS(C) and Associate Deputy Assistant Secretary (Contracting) (ADAS)(C)) are the HCA for the Air Force and are designated the authority to enter into, approve, terminate, and take all other appropriate actions with respect to contracts and agreements (grants, cooperative agreements, and Other Transactions). All nondelegable HCA responsibilities may be exercised only by the DAS(C) and ADAS(C). The DAS(C) makes the delegations for all delegable HCA responsibilities, including the authority to enter into, approve, modify, and terminate contracts, in MP5301.601(a)(i). MP5301.601(a)(i) also establishes the authority to further redelegate.

5301.601-90 Head of Agency (HoA), Senior Procurement Executive (SPE), and Service Acquisition Executive (SAE) Responsibilities

See [MP5301.601-90 Head of Agency \(HoA\), Senior Procurement Executive \(SPE\), Service Acquisition Executive \(SAE\) Delegation Matrix](#)

5301.601-91 Air Force Contracting Self-Inspection Program

(a) The Air Force Self-Inspection program assesses compliance with federal laws, regulatory policies, DoD and AF directives, and instructions across the enterprise. It is also used to verify adequacy of contract preparation.

(b) SCOs will manage a self-inspection program, which includes both the assessment of individual contract files and the assessment of contracting management programs contained in the Contracting Self-Assessment Communicator (SAC) as required by [AFI 90-201](#) , *The Air Force Inspection System*. As a minimum, contracting offices must perform self-inspections of individual contract files on an annual basis.

(c) For self-inspection of individual contract files reviewed after award, SCOs may use the [Air Force Contracting Self-Inspection Checklist](#) ; a comparable organizational checklist for post award reviews; or any combination thereof.

(d) SCOs will ensure corrective actions are implemented as a result of any self-inspection. Contracting offices must have a documented program for self-inspection, to include a process for

closing resolved findings in a timely manner, ensuring an effective level of review necessary to close a finding, and integrating findings and resolutions into unit training.

5301.602-1 Authority

(a) Contracting officers are authorized to enter into and execute contracts funded either partially or completely with non-appropriated funds.

5301.602-2 Responsibilities

(c)(i) Legal Review

(A) Contracting officers must obtain legal advice during all phases of acquisitions. See the tailorable [Legal Review](#) template. In particular, contracting officers must obtain legal advice, coordination, and review from the supporting legal office for the following situations, regardless of dollar amount:

- (1) When there is doubt or controversy about the interpretation or application of statutes, directives, and regulations;
- (2) When using or applying unique or unusual contract provisions;
- (3) When actions are likely to be subject to public scrutiny or receive higher-level agency attention;
- (4) When a protest or claim is likely;
- (5) When contemplating the use of alternative dispute resolution;
- (6) Use of liquidated damages provisions in contracts for other than construction;
- (7) (deleted);
- (8) Source selection decisions and supporting documentation for actions accomplished pursuant to the requirements of MP5315.3;
- (9) Issues dealing with licensing, technical data rights and patents;
- (10) Mistakes in bid (See FAR 14.407);
- (11) Protests before and after award;
- (12) Ratifications;
- (13) Disputes;
- (14) Contractor claims;
- (15) Termination for default/cause;
- (16) Terminations for convenience, except cancellations or terminations of purchase orders;

(17) Debarment or suspension actions;

(18) Individual or class deviations; and,

(19) Any other legal issue at the discretion of the contracting officer or supporting legal office.

(B) All Justifications and Approvals (J&A) requests for actions expected to exceed \$750,000

(C) In addition to the general conditions identified in [5301.602-2 Responsibilities](#)(c)(i)(A) above, contracting officers shall exercise good judgement in seeking legal review if the total value of the contract action is less than the thresholds listed in this paragraph and guard against using reviews as a means of quality control. Contracting officers must obtain legal review of Operational contract actions expected to exceed \$1,000,000 and AFDW, AFMC and SSC Non-Operational contract actions expected to exceed \$5,000,000, as follows:

(1) Solicitations and amendments, except administrative amendments;

(2) Proposed contracts and modifications;

(3) Orders for supplies or services issued under indefinite delivery type contracts (FAR 16.5), including GWACs, and Federal Supply Schedules (FSS), that require negotiation at the order level; and

(4) Orders under Blanket Purchase Agreements (BPA) established under FSS.

(D) Legal review is not normally required for:

(1) Funding actions without any other changes;

(2) Unilateral exercise of pre-priced options that were reviewed and approved at the time of award of the basic contract; or

(3) Except as indicated at 5301.602-2(c)(i)(C)(3), order solicitations and orders issued against existing contracts in accordance with all terms and conditions of the basic contract.

(d) For Designation, Assignment, and Responsibilities of a Contracting Officer's Representative, see MP5301.602-2(d).

5301.602-3 Ratification of Unauthorized Commitments

(b) *Policy.*

(2) Ratification approval authority is delegated as follows (see MP5301.601(a)(i)):

(A) The SCO for actions equal to or greater than \$30,000.

(B) The COCO for actions less than \$30,000 (not redelegable).

5301.603-1 General

The HCA designees delegated contracting authority in accordance with MP5301.601(a)(i) must select and appoint contracting officers and terminate their appointments in accordance with this section and MP5301.603-90.

(a) The SCO may delegate this authority to the highest contracting official in the contracting chain at geographically separated organizations, but in no event will the designee be lower than a GS-15 (or equivalent) or 0-6. AFICC/CC SCCO may delegate authority to select and appoint contracting officers (and terminate their appointments in accordance with AFFARS 5301.603-1 and MP5301.603) to the AFICA/KO (OL-SOC) Director of Contracting.

(b) Authority to issue limited contracting officer warrants of less than \$5M and authority to terminate appointments of less than \$5M may be delegated, but in no event will the designee be lower than the COCO.

5301.603-2-90 Selection

See [MP5301.603-90 Selection, Appointment, and Termination of Appointment of Contracting Officers](#), Selection, Appointment, and Termination of Appointment of Contracting Officers for mandatory procedures regarding the selection, appointment, and termination of contracting officers.

5301.603-3 Appointment

(b) Issuing authorities identified in [5301.603-1 General](#) above may delegate the purchase authority described in [FAR 1.603-3\(b\)](#) and [DFARS 201.603-3\(b\)](#), to non-contracting DoD civilian employees and members of the U.S. Armed Forces, such as transportation personnel, medical supply personnel, librarians, and chiefs of construction management, provided:

(1) The written delegation specifies a dollar limit per transaction (e.g., per order, per call); the method(s) of award; and the supplies, equipment and/or non-personal services, to include construction, related to the individual's specialty that may be procured. For example, librarians may buy books, but not construction materials or services; and,

(2) Personnel have completed contracting training commensurate with the type of instrument(s) authorized to process and level of responsibility delegated.

5301.670 Appointment of Property Administrators and Plant Clearance Officers

(a) When the Air Force retains contract administration, the PCO must select, appoint, or terminate (in writing) property administrators and plant clearance officers. One level above the PCO shall approve any of these appointments.